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7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE EASTERN DISTRICT OF CALIFORNIA
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10 ELBERT STEWART,

1:11-cv-00696 MJS (HC)

11 Petitioner,

ORDER TRANSFERRING CASE TO THE
UNITED STATES DISTRICT COURT FOR
THE CENTRAL DISTRICT OF
CALIFORNIA

12
13 vs.

14 JAMES D. HARTLEY, Warden,

15 Respondent.
16 _____ /
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18 Petitioner, a state prisoner proceeding pro se, has filed a habeas corpus action
19 pursuant to 28 U.S.C. § 2254.

20 The federal venue statute requires that a civil action, other than one based on diversity
21 jurisdiction, be brought only in “(1) a judicial district where any defendant resides, if all
22 defendants reside in the same state, (2) a judicial district in which a substantial part of the
23 events or omissions giving rise to the claim occurred, or a substantial part of the property that
24 is the subject of the action is situated, or (3) a judicial district in which any defendant may be
25 found, if there is no district in which the action may otherwise be brought.” 28 U.S.C. §
26 1391(b).

27 However, venue for a habeas action is proper in either the district of confinement or the
28 district of conviction. 28 U.S.C. § 2241(d). The district court for the district wherein such an

1 application is filed in the exercise of its discretion and in furtherance of justice may transfer the
2 application to the other district court for hearing and determination. Id.

3 It is preferable for petitions challenging a conviction or sentence to be heard in the
4 district of conviction while petitions challenging the manner in which the sentence is being
5 executed be heard in the district of confinement. Dunne v. Henman, 875 F.2d 244, 249 (9th
6 Cir. 1989). In this case, Petitioner is challenging the judgment relating to his conviction which
7 occurred in Los Angeles County, California. As Los Angeles County is located in the Central
8 District of California, all of the material events, records, and witnesses are located in that
9 district. In the interest of justice, the petition will be transferred to the United States District
10 Court for the Central District of California. 28 U.S.C. §§ 1404(a) and 2241(d).

11 Accordingly, IT IS HEREBY ORDERED that this matter is transferred to the United
12 States District Court for the Central District of California.

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14 IT IS SO ORDERED.

15 Dated: May 3, 2011

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE